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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT PAPER NUMBER

2623

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/731,844	Applicant(s) INOUE, TATSU	
	Examiner Christopher M. Lambrecht	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 25 August 2006 have been fully considered but they are not persuasive.

Independent claims 1 and 3 stand rejected under 35 USC 103(a) as being unpatentable over Proehl et al. (Proehl), U.S. Patent No. 6,577,350, in view of Lemmons, U.S. Patent No. 6,481,011. (Final Office Action at 4, Feb. 27, 2006.) Claim 1 is now amended to include *a table displaying device for displaying in the second display mode a second program table surrounding a plurality of program cells on a first program table displayed in the first display mode and wherein the program names within the second program table are displayed in the second display mode*. Claim 3 is similarly amended. These amendments, however, fail to patentably distinguish over the cited references.

Proehl discloses a program guide displaying apparatus and method for displaying program guide information in first and second display modes. The first mode, shown in figure 12, displays a plurality of program cells on a first program table that spans 6-hours and 10 channels. Col. 8, ll. 5–8. The second mode, shown in figure 11, displays a plurality of program cells on a second program table that spans 1.5-hours and 7 channels. Col. 7, ll. 64–66. Both program tables encompass, i.e., surround, a plurality of program cells. The plurality of program cells surrounded by the second program table is a subset of those surrounded by the first program table. Thus, the plurality of program cells surrounded by the second program table is a plurality of cells on the first program table. Because the first program table is displayed in the first display mode, and the second table in the second mode, it follows that Proehl discloses displaying, in the

second display mode, a program table surrounding a plurality of program cells on a first program table displayed in the first mode.

Further, figure 11 of Proehl shows that the program names within the program table are displayed. As noted above, this figure illustrates the second program table displayed in the second display mode. Thus, Proehl discloses that the program names within the second program table are displayed in the second display mode.

Accordingly, the rejections of claims 1 and 3 as being unpatentable over Proehl in view of Lemmons are maintained. The rejections of dependent claims 2 and 4-6 are similarly maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl (of record) in view of Lemmons (of record). Regarding claims 1 and 3, Proehl discloses a program guide displaying apparatus (fig. 1) and corresponding method comprising:

a program guide information obtaining device (IRD 2, fig. 1; detail, fig. 2) for obtaining program information (col. 3, ll. 18-44) including information indicative of a program name (title, col. 5, l. 12), a genre name (category, col. 5, ll. 13-14), a start time

(col. 5, l. 12), a length of a program or an end time (col. 5, l. 13), a broadcasting channel (col. 5, l. 2-4), and a broadcasting date (inherent where current date, col. 4, ll. 63-66, and program start time, col. 5, l. 12, are known) of respective one of a plurality of programs;

a program information displaying device (4, fig. 1) for displaying the program information as for the programs in a first display mode (6-hr. display, fig. 12), or a second display mode (1.5-hr. display, fig. 11) (col. 7, ll. 50-55), which are exchangeable to each other (by user requesting an alternate level of detail, col. 7, ll. 4-5), wherein said program information displaying device displays the program information in such a manner that the programs are distinguishable from each other by icons set for respective statuses (attributes) of the programs (col. 7, ll. 56-63) for a first time range (6-hr, fig. 12) on a time axis (horizontal, fig. 12) and a first channel range (10-ch., fig. 12) on a channel axis (vertical, fig. 12) in the first display mode (6-hr. display, fig. 12), and that the programs are distinguishable from each other by at least program names of the programs (see fig. 11) for a second time range (1.5-hr., fig. 11), which is narrower than the first time range ($1.5\text{hr} < 6\text{-hr.}$), on the time axis (horizontal) and a second channel range (7-ch., fig. 11), which is narrower than the first channel range ($7\text{-ch.} < 10\text{-ch.}$), on the channel axis (vertical) in the second display mode (fig. 11);

a table displaying device for displaying in the second display mode (1.5-hr. mode) a second program table (fig. 11) surrounding a plurality of program cells (corresponding to programs airing on the times and channels depicted in fig. 11) on a first program table (fig. 12) displayed in the first display mode (6-hr. mode; the second program table, fig.

11, which is displayed in the second display mode, surrounds a plurality of program cells, all of which are on the first program table, fig. 12, displayed in the first mode);

a movement specifying device (remote control 5, fig. 1) for receiving an instruction to move the program table (operation buttons include north, south, east, and west buttons, col. 4, ll. 56-61, the user can scroll the EPG horizontally or vertically, col. 5, ll. 63-67); and

a moving device for moving the second program table on the first program table displayed in the first display mode, in response to the instruction received by said movement specifying device (col. 4, ll. 56-61 and col. 5, ll. 63-67), wherein said moving device moves the program table range for a distance equivalent to a predetermined number of unit-time periods in a time axis direction (i.e., horizontal) and a predetermined number of channels in a channel axis direction (i.e., vertical) (where scrolling of the EPG in the horizontal and vertical directions inherently involves moving the program table a predetermined number of unit-time periods and/or channels),

wherein the program guide displaying apparatus further comprises a mode specifying device (button, col. 7, lines 2-10) for receiving an instruction to change the first display mode and the second display mode (col. 7, lines 2-12),

wherein the table displaying device changes between the first display mode (6-hr.) and the second display mode (1.5-hr.) in response to the instruction by received by the mode specifying device (col. 8, lines 2-8), and

wherein the program names within the second program table are displayed in the second display mode (see fig. 11).

Proehl fails to explicitly disclose that the programs are distinguishable from each other by colors set for respective genres in the first display mode. However, in an analogous art, Lemmons discloses the programs are distinguishable from each other by colors set for respective genres in the first display mode (col. 6, ll. 57-67 and col. 7, l. 34 - col. 8, l. 5), thereby enabling the user to quickly identify programs matching a particular genre (col. 5, ll. 19-30). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Proehl to make the programs distinguishable from each other by colors set for respective genres, as taught by Lemmons, for the benefit of enabling the user to quickly identify programs matching a particular genre.

As to claims 5 and 6, Proehl in view of Lemmons discloses the apparatus and method according to claims 1 and 3. In addition, Proehl discloses the first program table displayed on the first display mode (first level of detail) comprises the first time range and the first channel range and the second program table displayed on the second display mode (second level of detail) comprises the second time range and the second channel range (col. 7, ll. 9-14), and

wherein the second program table displayed on the second display mode corresponds to a subset of the first program table displayed on the first display mode (i.e., zooming in to a greater level of detail when transitioning from the first display mode to the second display mode results in a display comprising a subset of the channels and times displayed in the first mode, col. 7, ll. 13-25; see figs. 9 & 10).

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl in view of Lemmons and further in view of Takahashi (of record). Proehl in view of Lemmons

Art Unit: 2623

discloses a program guide displaying apparatus and method according to claims 1 and 3, wherein the table displaying device changes the program table range between display modes in response to instructions received by the mode specifying device (see Proehl as applied to claims 1 and 3, above). Proehl in view of Lemmons fails to disclose a third display mode in which the program information is indicated as a popup display, as claimed. However, in an analogous art, Takahashi discloses a display mode for a programming guide in which program information is indicated as a popup display (TY, fig. 4B, col. 6, lines. 32-49), which is displayed at a vicinity of a program cell which is currently selected on the program table (within the same row of the display table as the cell that was selected, see fig. 4B & col. 6, ll. 37-40) in a first display mode (see fig. 4A) and indicates information related to the program (e.g., title and summary, col. 6, ll. 37-49) corresponding to the selected program cell (designated by KA), wherein the popup display is displayed at a position determined in correspondence with a position of the program cell (i.e., within the same row of the display table). Takahashi further discloses permitting the user to change to the popup display mode in response to receipt of a mode-specifying instruction ("explanation button", see figs. 6-7), and that the system enables the user to access a more detailed explanation of a selected program (col. 10, ll. 58-64). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the program guide displaying system of Proehl and Lemmons to include a third display mode including a popup display of program information, and wherein the mode specifying device receives an instruction to change between the first and third display modes, as taught by Takahashi, for the benefit of providing the user access to a more detailed explanation of a selected program in a program guide displaying apparatus.

Conclusion

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M. Lambrecht
Examiner
Art Unit 2623

cml



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